



○ Environmental Democracy Project



**July 22, 2022**

*By Email*

Mayor John J. Bauters ([jbauters@emeryville.org](mailto:jbauters@emeryville.org))  
Chair of the Board for the Bay Area Air Quality Management District

Sharon Landers ([sharon@baaqmd.gov](mailto:sharon@baaqmd.gov))  
Air Pollution Control Officer  
Bay Area Air Quality Management District

**Re: The Air District's Failure to Curtail Green Sage's Egregious Violations of Federal Law and District Regulations**

We the undersigned would like to express our concern about the Board's hearing process for the Green Sage matter. The process has been incredibly slow and completely ineffective. We feel like we have been misled. We understood, if we prevailed, that the Board would issue an "immediate abatement order" and the District would shut down the generators. Instead, the Board allowed Green Sage to continue to operate for over a week while the District and Green Sage "finalized" the abatement order. "Abatement" shouldn't imply a continuance as negotiations about the order's language are conducted. While the District's counsel "finalized" the abatement order's language with Green Sage—which has no intention of ever complying with the order—we were literally being poisoned. Even though an abatement order has now been issued, Green Sage continues to operate.

We placed faith in this system and were extremely patient. We've spent hundreds of hours on the Board's abatement process because Green Sage's conduct is so obviously at odds with the District's regulations. After all that investment of our time, it seems that we were misled into believing that the District would actually shut the generators down. Instead, Green Sage has been afforded every opportunity to appeal, delay, and ignore the law without consequence. That isn't fair. The District's decision to take over a year to get an abatement order, and subsequent failure to immediately enforce the order, allows Green Sage's violations to continue indefinitely. The District's handling of this case sets a horrible precedent for how others in this industry can skirt the law without consequence.

We understand there are procedures that must be followed. We have followed the District's procedures exactly as instructed. Green Sage has not. We are baffled by how the Board's process is heavily slanted in favor of companies, like Green Sage, that make calculated business decisions to intentionally violate the law. After ten months of engaging in the Board's enforcement process, there has been no measurable progress. All we have is a non-final abatement order, which District appears in no hurry to enforce. There has been no change in our situation. Trucks are delivering diesel to keep those generators running as we write. We were told that an abatement order would remedy our situation, but it has not.

We respectfully demand that the Board instruct District counsel to immediately enforce the abatement order and levy substantial civil penalties against Green Sage. Green Sage has no intention of following the law. The District must not continue to risk our lives by delaying meaningful enforcement action against Green Sage.

Respectfully,

James Dawson, Oakland Cannery Collective  
Alistair Monroe, Oakland Cannery Collective  
Kaya Allan Sugerman, Director of Illegal Toxic  
Threats Program at Center for Environmental Health  
Tanya Boyce, Environmental Democracy Project  
Rachel Cheung  
Lina Tcheremisina  
Brad Long  
Matt Laws  
Moises Castillo  
Omar Padilla

Maria Aguilera  
Alicia Gutierrez  
Mark Barry  
Genna Mateo  
Sarah Sass  
Rebecca Firestone  
Ana Ferrus-Garcia  
Sasha Rockwell  
Gage Opdenbrouw  
Peter Adamyan  
Dan Vuletich  
Denise Maldonado  
Jessie Papalia  
Dustin Schultz  
Erik Friedman  
Dave Smith  
Juliet Crown-Smith  
Lisa Sallaz  
Jetaun Sallaz  
Brett Sallaz  
Matt Gipp  
Adam Brown  
Eileen McAllister  
Trey McAllister  
Landon McAllister  
Kienan McAllister (under 18)  
Jen Nebeker  
Bud Nebeker  
Zareth Frischer  
Dave Frischer  
Heather Jackson  
Melissa Gomez  
Rebecca Davidson  
Samya Abdela  
Ryann DeSousa  
Eric DeSousa  
Laura Chin  
Edward Cheung  
Melissa Nehmens  
Freya Seeburger  
Leona Colter  
Lily Forest  
Dana Kihoi

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Tessa Spangler  
Becca Cuellar  
Stephanie Chatfield  
Jeff Gardner  
Fern Alberts  
Greg Wilkinson  
Kelly Smith  
Dan Quinlivan  
Douglas Stewart  
Brett Amory

CC: Marcy Hiratzka, Clerk of the Boards ([mhiratzka@baaqmd.gov](mailto:mhiratzka@baaqmd.gov))